

REMARKS

Applicant expresses appreciation for the interview conducted with applicant's representative. As discussed at the interview, claims 8 – 13 have been cancelled without prejudice, and new claim 14 has been added, which is the sole claim pending. As noted in the interview summary by the Examiner, this claim would be reconsidered in light of U. S. Patent No. 6,234,196 (Fischer et al.).

As presented for reconsideration, applicant's invention is directed to a mixer for enabling mixing of the two component materials of a two-part composition by introducing the material held by one syringe into the other and then repeatedly transferring the mixture of the two components back and forth between the two syringes. The mixer has been specifically limited to consist only of

“a generally flat, elongated main body with a first surface and a second opposing surface, and integral first and second ends;

said elongated main body and first and second ends being integrally formed of a flexible material so as to permit the first and second ends to serve as flap valves that will open and close in response to fluid pressure exerted on them;

said main body and integral first and second ends together being of a size and configuration adapted to be inserted and held between the tips of the two syringe when interconnected with one another;

said first end curving upwardly in an essentially continuous manner from the main body, and said second end curving in an opposite downward direction in an essentially continuous manner from the main body, so that when inserted between the tips of the two syringes of the syringe-to-syringe system, the first and second surfaces define first and second channels for interconnecting the two syringes; and

the first end controlling flow through the first channel in one direction only, and the second end controlling flow through the second channel in an opposite direction only, thereby permitting introduction of material held by one syringe into the other syringe and then repeatedly transferring the mixture of the two components back and forth between the two syringes.”

As noted in the Office Action and as discussed at the interview, the sole issue is whether applicant's invention is anticipated or obvious over commonly owned U. S. Patent No. 6,234,196 (Fischer et al.). Fischer discloses (see Figures 1 – 2) an adaptor 10 for use in a syringe-to-syringe mixing system. The adaptor 10 is a "cylindrical, hollow main body 12 having a . . . septum 26 coupled within interior surface 18 of main body 12. Septum 26 . . . is substantially immovably fixed within main body 12. . . . septum 26 preferably extends integrally from main body 12" Col. 4, lines 39 – 56. Slits 42, 46 (Fig. 2) are made between the valve heads 50, 58 of the septum 26 and the cylindrical wall 20. Col. 5 lines 5 – 8. As further disclosed at column 9 lines 54 -55, "The materials used in the adaptor are preferably injection-molded."


As noted at the interview, Fischer et al. teaches a cylindrical adapter that is a single injection-molded device. In contrast, applicant claims a mixer that is specifically limited to a generally flat, elongated main body with a first surface and a second opposing surface, and integral first and second ends, integrally formed of a flexible material so as to permit the first and second ends to serve as flap valves that will open and close in response to fluid pressure exerted on them, with the first end curving upwardly in an essentially continuous manner from the main body, and the second end curving in an opposite downward direction in an essentially continuous manner from the main body. Fischer et al. does not suggest anywhere in the disclosure forming the septum and flap valves of the cylindrical structure as separated components from the cylindrical adaptor 10.

Thus, for the at least the reasons noted, applicant's claimed mixer is not anticipated or made obvious by Fischer et al. or the other prior art of record.

In the event the Examiner finds any remaining impediment that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 28th day of November, 2005.

Respectfully submitted,


RICK D. NYDEGGER
Registration No. 28651
Attorney for Applicant
Customer No. 022913